

**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO CREATE THE DELMONTE TOWNHOMES HOUSING
ENTERPRISE ZONE AND FOR OTHER PURPOSES**

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for commercial purposes if certain conditions are met; and

WHEREAS, designation of a Housing Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the city of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the Delmonte Townhomes Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the Delmonte Townhomes area is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the Delmonte Townhomes area are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place

priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Delmonte Townhomes Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Delmonte Townhomes Housing Enterprise Zone shall be abolished on December 31, 2011. The Delmonte Townhomes Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Delmonte Townhomes Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

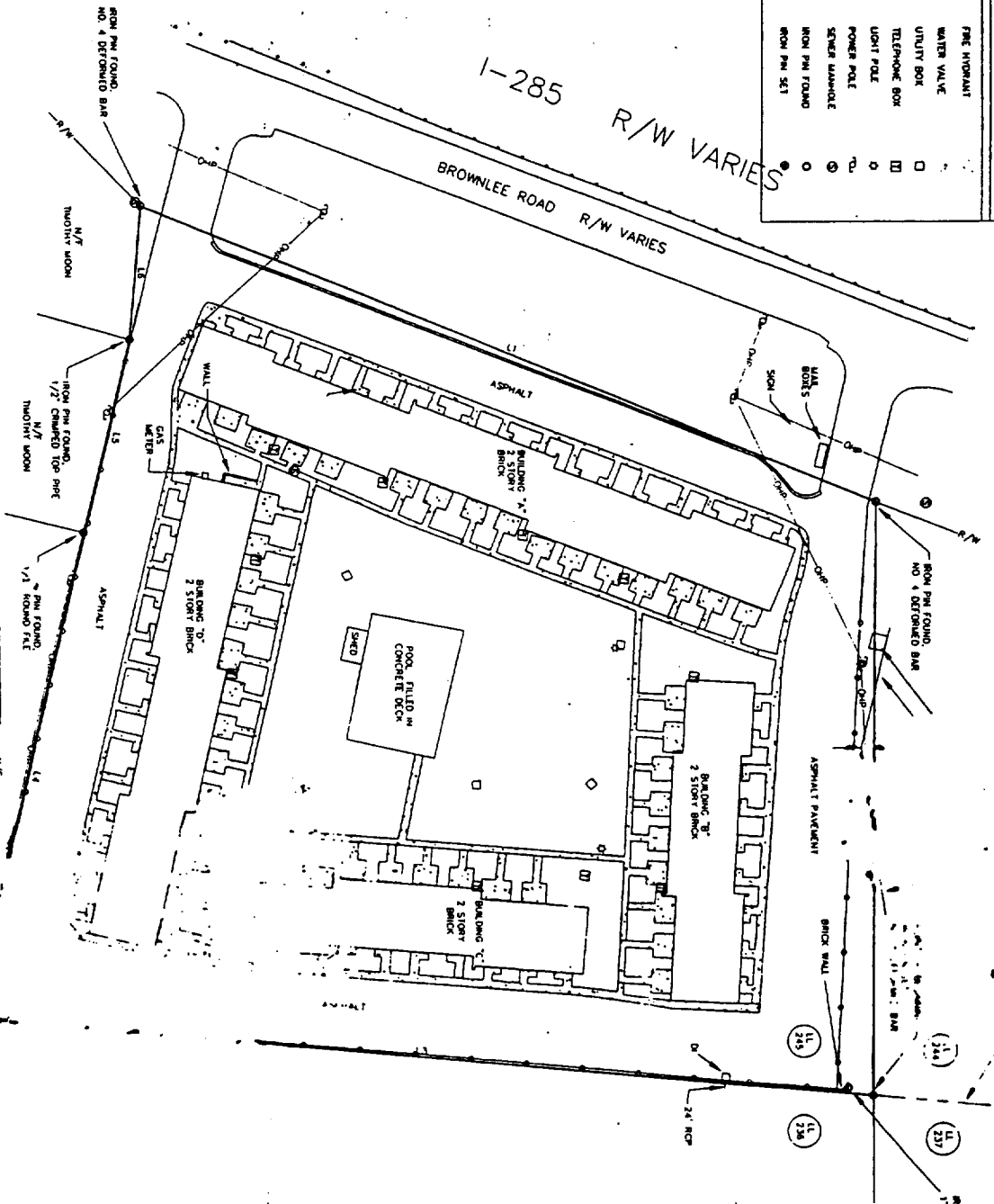
Section 4: The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of the Delmonte Townhomes Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**PROPOSED DELMONTE TOWNHOMES
HOUSING ENTERPRISE ZONE
LEGAL DESCRIPTION**

LEGEND

- FIRE HYDRANT
- WATER VALVE
- UTILITY BOX
- TELEPHONE BOX
- LIGHT POLE
- POWER POLE
- SEWER MANHOLE
- IRON PIN FOUND
- IRON PIN SET



LEGAL DESCRIPTION

ALL OF THAT TRACT OR PARCEL OF LAND SITUATED AND LYING IN LAND LOT NO. 245 OF THE FOURTEENTH (14TH) LAND DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING DESCRIBED, TO WIT:

BEGINNING AT THE POINT COMMON TO LAND LOTS 244, 245, 237, AND 236, AND MARKED BY AN IRON PIN 5" - A NO. 5 DEFORMED BAR, AND PROCEEDING IN A CLOCKWISE DIRECTION AROUND SAID TRACT OR PARCEL 50507.11' W. AND ALONG THE LINE COMMON TO LAND LOTS 245 AND 236, 451.60 FEET TO A POINT MARKED BY AN IRON PIN FOUND, A NO. 5 DEFORMED BAR;

THENCE N 76°43'46" W, 233.78 FEET TO A POINT MARKED BY AN IRON PIN FOUND, A 1/2 INCH ROUND FILE;

THENCE N 76°17'21" W, 100.07 FEET TO A POINT MARKED BY AN IRON PIN FOUND, A 1/2 INCH CHIPPED TOP PIPE;

THENCE N 84°52'55" W, 67.48 FEET TO A POINT LYING ON THE EASTERLY RIGHT OF WAY OF BROWNLEE ROAD, SAID POINT OF BEING MARKED BY AN IRON PIN FOUND, A NO. 4 DEFORMED BAR;

THENCE N 22°27'12" E, AND ALONG SAID EASTERLY RIGHT OF WAY OF BROWNLEE ROAD, 392.24 FEET OF A POINT MARKED BY AN IRON PIN FOUND, A NO. 4 DEFORMED BAR;

THENCE S 89°52'06" E, 301.90 FEET TO THE POINT COMMON TO LAND LOTS 244, 245, 237, AND 236, AND THE POINT F BEGINNING;

SAID TRACT OR PARCEL, THUS DESCRIBED, BEING THE SAME PARCEL DESCRIBED IN EXHIBIT A, TITLE COMMITMENT NO. 10202.250, AND CONTAINING 147,451 SQUARE FEET, OR 3.39 ACRES

LINE	LENGTH	BEARING
1	392.24	S153.578.2
2	301.90	S84.278.2
3	451.60	S02.17.2
4	67.48	N02.17.2
5	392.24	N02.17.2
6	301.90	N02.17.2
7	392.24	N02.17.2
8	301.90	N02.17.2
9	451.60	N02.17.2
10	67.48	N02.17.2
11	392.24	N02.17.2
12	301.90	N02.17.2
13	451.60	N02.17.2
14	67.48	N02.17.2
15	392.24	N02.17.2
16	301.90	N02.17.2
17	451.60	N02.17.2
18	67.48	N02.17.2
19	392.24	N02.17.2
20	301.90	N02.17.2
21	451.60	N02.17.2
22	67.48	N02.17.2
23	392.24	N02.17.2
24	301.90	N02.17.2
25	451.60	N02.17.2
26	67.48	N02.17.2
27	392.24	N02.17.2
28	301.90	N02.17.2
29	451.60	N02.17.2
30	67.48	N02.17.2
31	392.24	N02.17.2
32	301.90	N02.17.2
33	451.60	N02.17.2
34	67.48	N02.17.2
35	392.24	N02.17.2
36	301.90	N02.17.2
37	451.60	N02.17.2
38	67.48	N02.17.2
39	392.24	N02.17.2
40	301.90	N02.17.2
41	451.60	N02.17.2
42	67.48	N02.17.2
43	392.24	N02.17.2
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90	67.48	N02.17.2
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92	301.90	N02.17.2
93	451.60	N02.17.2
94	67.48	N02.17.2
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96	301.90	N02.17.2
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98	67.48	N02.17.2
99	392.24	N02.17.2
100	301.90	N02.17.2
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105	451.60	N02.17.2
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108	301.90	N02.17.2
109	451.60	N02.17.2
110	67.48	N02.17.2
111	392.24	N02.17.2
112	301.90	N02.17.2
113	451.60	N02.17.2
114	67.48	N02.17.2
115	392.24	N02.17.2
116	301.90	N02.17.2
117	451.60	N02.17.2
118	67.48	N02.17.2
119	392.24	N02.17.2
120	301.90	N02.17.2
121	451.60	N02.17.2
122	67.48	N02.17.2
123	392.24	N02.17.2
124	301.90	N02.17.2
125	451.60	N02.17.2
126	67.48	N02.17.2
127	392.24	N02.17.2
128	301.90	N02.17.2
129	451.60	N02.17.2
130	67.48	N02.17.2
131	392.24	N02.17.2
132	301.90	N02.17.2
133	451.60	N02.17.2
134	67.48	N02.17.2
135	392.24	N02.17.2
136	301.90	N02.17.2
137	451.60	N02.17.2
138	67.48	N02.17.2
139	392.24	N02.17.2
140	301.90	N02.17.2
141	451.60	N02.17.2
142	67.48	N02.17.2
143	392.24	N02.17.2
144	301.90	N02.17.2
145	451.60	N02.17.2
146	67.48	N02.17.2
147	392.24	N02.17.2
148	301.90	N02.17.2
149	451.60	N02.17.2
150	67.48	N02.17.2

MIT LAND



BROWARD DAVIS & ASSOC., INC.
3370 WHEATLAND AVENUE SUITE 103 - JACKSON, GA 31204
(912) 476-4505 • (912) 476-4506 (FAX)

Michael C. Davis
9 November 1999



GRAPHIC SCALE: 1" = 40'

FIELD DATA COLLECTED 4 NOVEMBER 99' LECA - TC 1100 - STANDARD DEVIATION = 3"

THE LAND PORTRAYED HEREIN LIES IN LAND LOT 245 OF THE 14TH DISTRICT FULTON COUNTY, GEORGIA.

NORTH AS REPORTED IN DEED BOOK 19348 PAGE 182, DATED 7 JULY 1995.

AREA: 147,451 SQUARE FEET
3.39 ACRES

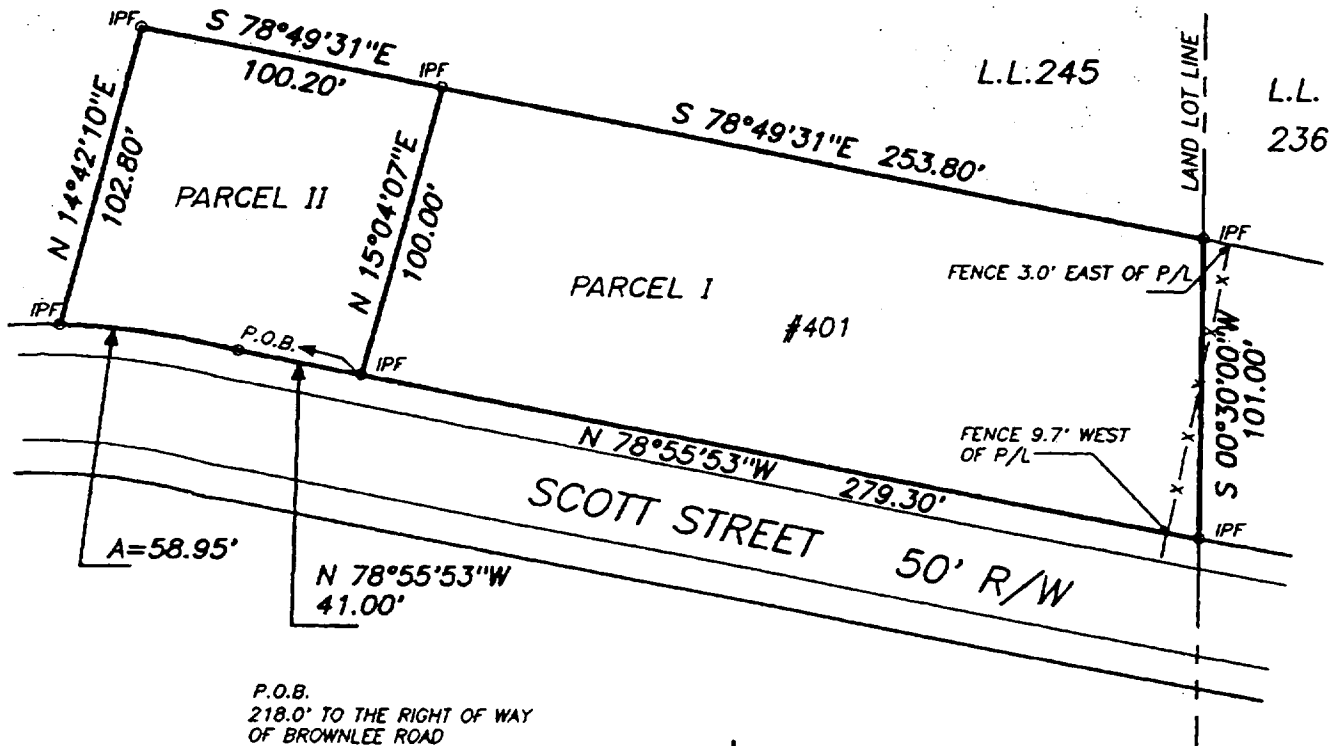
THIS FIELD DATA, UPON WHICH THIS DOCUMENT IS BASED, HAS A CLOSURE PRECISION OF ONE FOOT IN 56,076 FEET OR BETTER AND AN ANGULAR ERROR OF LESS THAN TWO ARC SECONDS PER ANGLE POINT, AND WAS NOT ADJUSTED. THIS DOCUMENT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 279,804 FEET, OR BETTER.

- 3 (c) Easement rights incident to the premises, not applicable.
- (a) Right of Way Deed from W. J. Foy to State Highway Department of Georgia, dated November 12, 1962, filed for record November 12, 1962, recorded in Deed Book 2871, Page 68.
 - (b) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (c) Right of Way Easement from Albert Zeller to Georgia Power Company, filed for record March 31, 1970, recorded in Deed Book 3503, Page 262.
 - (d) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (e) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (f) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (g) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (h) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (i) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (j) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (k) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (l) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (m) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
 - (n) Easement from Albert Zeller to Georgia Power Company, dated February 11, 1970, filed for record March 31, 1970, recorded in Deed Book 3503, Page 236.
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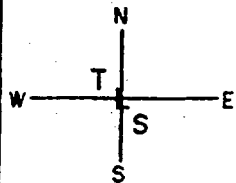
EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 245 and 236 of the 14th District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING AT AN IRON PIN marking the intersection of the east line of the right-of-way of Brownlee Road (as relocated) and the south line of Scott Street (as widened to 25 feet from the centerline), and running thence north 85 degrees 43 minutes east (117.3) feet along said line of Scott Street to an iron pin; thence south 80 degrees 10 minutes 20 seconds east along said line of Scott Street (212.9) feet to an iron pin; thence south 25 degrees 43 minutes 30 seconds east (203.8) feet to an iron pin; thence south 89 degrees 2 minutes 30 seconds east (300.3) feet to an iron pin; thence south 45 degrees 53 minutes 50 seconds east (213) feet to an iron pin on the north bank of Utoy Creek; (said point and location being for convenience designated Point "A"); continuing thence along the same bearing (32) feet more or less to the centerline of Utoy Creek; thence southwesterly, northwesterly, and westerly along the centerline of said creek and following the meanderings thereof (585) feet more or less to the point where said centerline intersects a projected line bearing north 17 degrees 56 minutes west; thence north 17 degrees 56 minutes west (21.2) feet more or less to an iron pin on the north bank of said Utoy Creek; (said point and location being for convenience designated Point "B", which is more definitely arrived at by a traverse line proceeding from Point "A" south 47 degrees 10 minutes west (79.9) feet to an iron pin; thence south 55 degrees 42 minutes 40 seconds west (65.5) feet to an iron pin; thence north 63 degrees 53 minutes 40 seconds west (80.1) feet to an iron pin; thence south 78 degrees 25 minutes 20 seconds west (93.8) feet to an iron pin; thence south 81 degrees 8 minutes 20 seconds west (96.2) feet to an iron pin; thence south 80 degrees 47 minutes west (72.2) feet to an iron pin; thence south 58 degrees 36 minutes west (79.5) feet to said Point "B" on the property line); running thence north 17 degrees 56 minutes west (94.2) feet to an iron pin; thence continuing along said bearing (129.6) feet to an iron pin; thence south 70 degrees 2 minutes 20 seconds west (219.7) feet to an iron pin on the east side of Brownlee Road (as relocated); thence north 21 degrees 23 minutes 40 seconds west 38 minutes west (132.1) feet to right-of-way monument; thence north 15 degrees north 1 degree 6 minutes 20 seconds west (118.5) feet to the iron pin at the point of beginning.



THIS PROPERTY IS NOT LOCATED
IN AN F. I. A. FLOOD HAZARD ZONE



TRU-LINE SURVEYING, INC.
2070 ATTIC PARKWAY SUITE 505
KENNESAW, GEORGIA 30152
OFFICE (770)919-8732
FAX (770)919-8731



IN MY OPINION THIS PLAT IS A CORRECT
REPRESENTATION OF THE LAND PLATTED AND HAS
BEEN PREPARED IN CONFORMITY WITH THE MINIMUM
STANDARDS AND REQUIREMENTS OF LAW.

SURVEY FOR:

DELMONTE TOWNHOMES, LP

LAND LOT:	245	SCALE:	1"=60'
DISTRICT:	14TH	DATE:	11/30/00
SECTION:		DRAWN BY:	DB
COUNTY:	FULTON	CHECKED BY:	WEC
STATE:	GEORGIA	JOB NO.	00-1285

ATTACHMENT A

(As Referred to in Section 2 of the Contract)

PROPERTY DESCRIPTION

PARCEL I

ALL THAT TRACT or parcel of land lying and being in The City of Atlanta in Land Lot 245 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

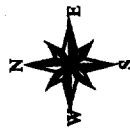
BEGINNING at a point on the northwest side of Scott Street 300 feet southeast from Brownlee Road; running thence northeast 100 feet; thence southeast 264 feet, more or less, to the east line of said Land Lot 245, 101 feet, more or less, to the northeast side of Scott Street; thence northwest along the northeast side of Scott Street; thence northwest along the northeast side of Scott Street 279.1 feet to the point of beginning; being improved property known as No. 401 (formerly 3301) SCOTT STREET, SW according to the present system of numbering houses in the City of Atlanta, all according to the plat of survey for THERON BOLTON made by Edgar W. Brown, C.E., April 18, 1962.

PARCEL II

ALL THAT TRACT or parcel of land lying and being in Land Lot 245 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the northeast side of Scott Street (200) feet southeast from Brownlee Road; running thence northeast (100) feet; thence southeast (100) feet; thence southwest (100) feet to the northeast side of Scott Street; thence northeast along the northeast side of Scott Street (1000 feet to the point of beginning.

**PROPOSED DELMONTE TOWNHOMES
HOUSING ENTERPRISE ZONE
LOCATION MAP**

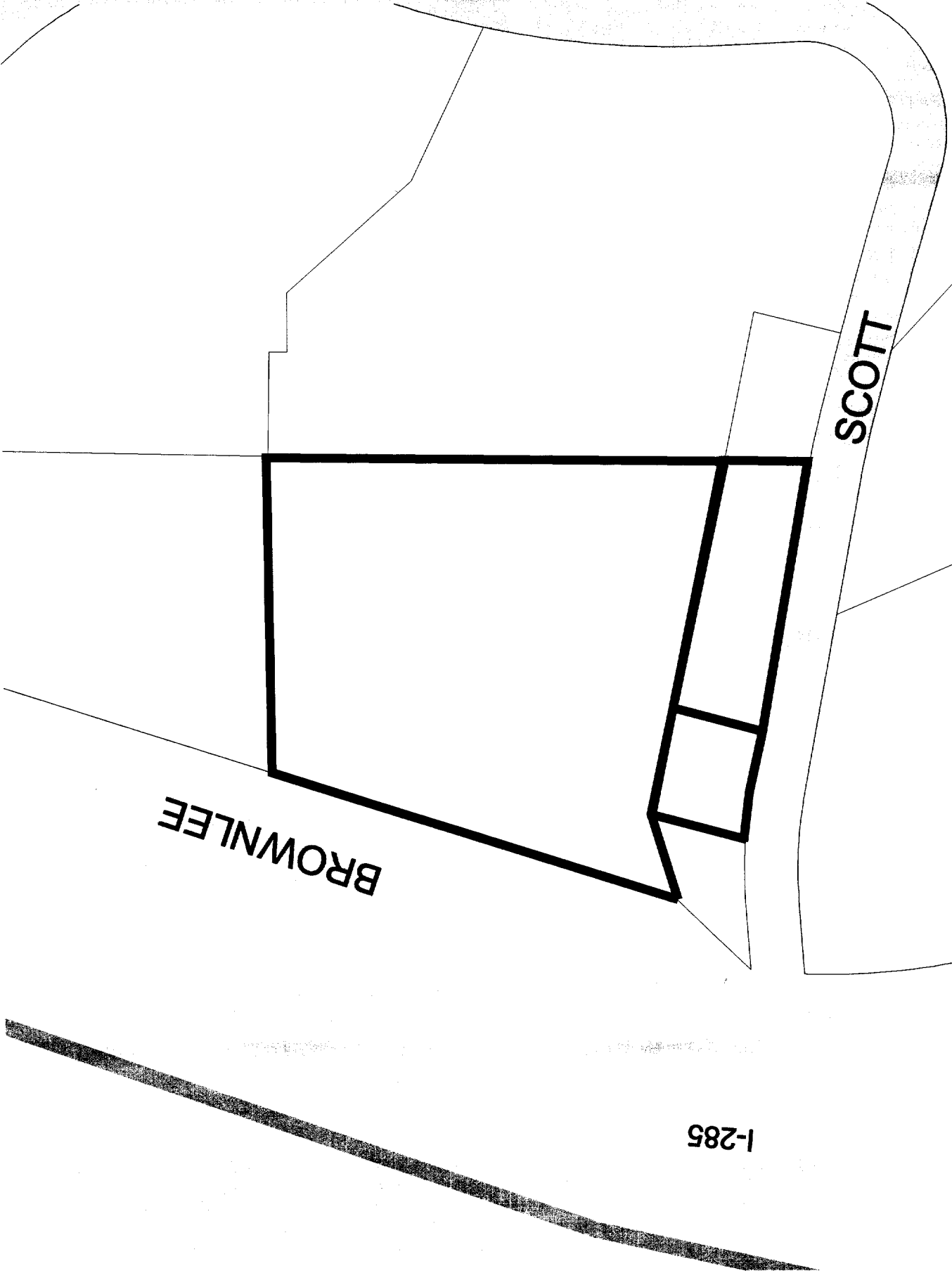


DELMONTE TOWNHOMES

I-285

BROWNLEE

SCOTT



01-0-0499

(Do Not Write Above This Line)

AN ORDINANCE
BY COMMUNITY DEVELOPMENT AND
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE
DELMONTE TOWNHOMES HOUSING
ENTERPRISE ZONE AND FOR OTHER
PURPOSES

Filed Without
Objection

FILED BY
CITY COUNCIL

MAY 21 2001

- ☒ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER

Date Referred 4/2/01

Referred To Community Development / Human Resources

First Reading

Committee CD/HR
Date 5/22/01
Chair Sharon H. Johnson

Committee <u>CD/HR</u>	Committee
Date <u>4/11/01</u>	Date
Chair	Chair
Action: Fav, Adv, Held (see rev. side) Others <u>5/8/01</u>	Action: Fav, Adv, Held (see rev. side) Others
Members	Members
Refer To	Refer To

Committee <u>CD/HR</u>	Committee
Date <u>5/22/01</u>	Date
Chair <u>Sharon H. Johnson</u>	Chair
Action: Fav, Adv, Held (see rev. side) Others <u>File</u>	Action: Fav, Adv, Held (see rev. side) Others
Members <u>See 5/22/01 Minutes</u>	Members
Refer To	Refer To

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
MAY 21 2001
ATLANTA CITY COUNCIL PRESIDENT
Robert A. Parker

CERTIFIED
MAY 22 2001
Sharon H. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION